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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Billed Party Preference for

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CC Docket No. 92-77

InterLATA 0+ Calls

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PETITION OF CLEARTEL COMMUNICATIONS, INC.,
FOR EXTENSION OF WAIVER

Cleartel Communications, Inc., ("Applicant") by its undersigned counsel, hereby requests an extension of its waiver of the implementation date of Sections 64.703 and 64.710 of the Commission's Rules, which require the provision of on-demand rate information for non-access code, operator service calls.

I. INTRODUCTION

On June 30, 1998, the Federal Communications Commission ("FCC") granted in part Cleartel's request for waiver of the July 1, 1998 compliance date for on-demand rate disclosure of non-access calls from aggregator locations.¹ In its Waiver Order, the FCC established November 1, 1998 as the date by which Cleartel must comply with the on-demand rate disclosure rule. The FCC also granted a separate compliance date of January 1, 1999 for collect calls and inmate calls. Although the Applicant aggressively worked to implement the on-demand rate requirement prior to the expiration of the waiver, it has become apparent that Applicant's network cannot be conformed to provide real-time rate quotes by November 1, 1998.

¹ *Billed Party Preference for InterLATA 0+ Calls*, Order, CC Docket No. 92-77, DA 98-1285 (rel. June 30, 1998) ("Waiver Order").

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As Cleartel and several other parties notified the FCC earlier this year, no technology existed to provide such real-time rate information when the FCC adopted its rule on January 29, 1998.² Since then, it has been an uphill battle with technology, manpower and time constraints to develop and reconfigure Applicant's network to provide real-time rate quotes. In recognition of the difficulties encountered by Cleartel, the FCC granted Cleartel a waiver of the July 1 compliance date. The FCC waived the compliance date for only four short months even though Cleartel projected that it would take at least 12 months to develop the necessary technology. Despite the odds, in the short four months provided by the FCC, Applicant extensively researched and designed a system that it believes will provide accurate on-demand rate quotes without sacrificing service quality and reliability.

While significant progress has been made, Applicant has not had sufficient time to complete development and properly test this system to ensure that its technology works properly and does not disrupt the network. Cleartel requires additional time to test its batch work systems to make certain that reliable call completion and accurate rate quotes will be provided to customers. Failure to provide a user-friendly system and imposing unknown technical glitches on customers will only ruin the accessibility and ease of making operator service calls, which many customers have enjoyed and come to rely on over the years. Cleartel customers must continue to receive the high quality, uninterrupted services, including non-access call service. Accordingly, an additional extension of time is essential to permit the Applicant to finalize implementation of and properly test the technology necessary for guaranteeing customer satisfaction and complying with the FCC's rules.

² *Billed Party Preference for InterLATA 0+ Calls*, Second Report and Order and Order on Reconsideration, CC Docket No. 92-77, 1998 WL 31845 ("Second Report and Order").

II. GOOD CAUSE EXISTS TO GRANT THE APPLICANTS' WAIVER REQUEST

Section 1.3 of the Commission's rules, 47 C.F.R. §1.3, provides that the FCC may waive any provision of its rules "if good cause therefor is shown." In its Second Report and Order, the FCC specifically anticipated that waivers may be justified. As the FCC stated, "we are prepared to consider waiver requests on a specific factual showing of good cause."³ In its Waiver Order, the FCC found that Cleartel demonstrated good cause for not meeting the July 1, 1998 compliance date and, therefore, granted Cleartel a waiver of the compliance date. As noted, the FCC provided only four additional months to comply with the rule, which in-house engineers projected would take at least 12 months. The FCC did not grant a lengthier compliance date explaining that it is in the public interest to provide on-demand rate disclosure as soon as possible. While four months did not seem adequate, Cleartel aggressively worked to meet the new compliance date. The four month time constraint was exacerbated by the urgent demand on Cleartel to modify its network for Year 2000 compliance. Thus, despite its commitment to meet the November 1, 1998 compliance date, Cleartel has been unable to complete all development and testing phases required to ensure that customers are not inconvenienced or inhibited from completing non-access operator service calls.

In this instance, the good cause found by the FCC in its Waiver Order continues to exist. Despite the odds against designing and implementing a reliable system in four short months, Applicant worked diligently to meet the FCC's rules and made significant progress. Applicant expects to finalize the system over the next few months and believes that it is better to provide a quality service to the public rather than to deploy a system not properly tested that may confuse and

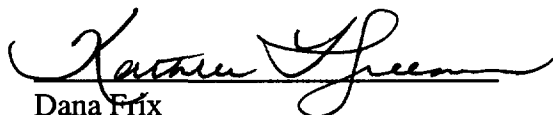
³ Second Report and Order, at ¶ 27.

frustrate consumers. Accordingly, an extension of time is essential and good cause has been demonstrated.

III. CONCLUSION

For the reasons stated above, the Applicant requests that the FCC grant its request for a further extension of time to comply with the Commission's requirement that it provide on-demand rate disclosure for non-access code calls.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kathleen Greenan", written over a horizontal line.

Dana Frix

Kathleen L. Greenan

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October 21, 1998

CERTIFICATE OF SERVICE

I, Wendy Mills, do hereby certify that on this 21st day of October, copies of the Petition for Extension of Waiver were sent via hand delivery (*) or first-class mail, postage prepaid, to the following:

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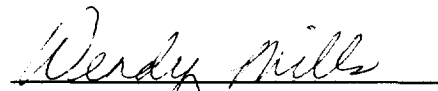
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